

Mr. T. K. Krishna Menon.—I second it.

Question proposed: *'That the Bill to amend the Cochin Abkari Regulation be taken up and passed.'*

Question put and agreed to.

Caste and Religious Disabilities Removal Bill

(**Mr. V. D. Ouseph.**)

President.—Next motions for leave to introduce Bills.

Mr. V. D. Ouseph.—Sir, I beg to move for leave to introduce my "Caste and Religious Disabilities Removal Bill."

Mr. K. Ayyappan.—I second it.

President.—Any Member wishing to speak on this motion?

Motion for leave to introduce the Caste and Religious Disabilities Removal Bill put and agreed to.

Cochin Child Marriage Restraint Bill.

Mr. K. P. Kannan Nayar.—I beg to move for leave to introduce the Cochin Child Marriage Restraint Bill.

Mr. E. Ikkanda Warriar.—I second it.

Mr. T. A. Ramachandra Ayyar.—I oppose it.

President.—Any explanatory statement?

Mr. T. A. Ramachandra Ayyar.—I want to know whether sanction has been given under section 12 of the Council Regulation.

President.—Sanction was given.

Mr. K. P. Kannan Nayar.—By way of explanatory statement, I shall be reading only here the Objects and Reasons stated in the Bill itself. But before I read it I shall refer to the objection that is sought to be raised. Of course it has been the convention, so far as I know, so far as this House is concerned, not to oppose a Bill of however controversial a nature it may be when leave is asked for to introduce the Bill.

Mr. T. A. Ramachandra Ayyar.—The Chief Court Regulation Bill was opposed.

Mr. K. P. Kannan Nayar.—It was not opposed. I am only coming to another point in this instance. The Bill for which leave was just now granted, the Caste and Religious Disabilities Removal Bill, is, I am afraid, a more controversial Bill than the Bill which I am going to introduce for which I am asking leave.

Mr. V. D. Ouseph.—Certainly not.

Mr. K. P. Kannan Nayar.—Now the opposer mainly raised objection on the ground that it is going to affect certain religious practices in the community to which he belongs. Probably I am only anticipating his reason, but if we examine the provisions or rather the only provision of the other Bill for which the House was good enough to grant leave,

you will be pleased to see that it is going to make an inroad into his own religion. I am only surprised such being the case, why he should have chosen to oppose the introduction of this measure, going against all the conventions. No doubt there may be two opinions about the passing or otherwise of the Bill. Leave to introduce being granted, we invite a discussion both inside and outside, a Select Committee is appointed, all available information is gathered and then it comes before the House. There is a full discussion. You will be pleased to find, gentlemen, that at the introduction stage when leave is sought to be introduced, the mover, when it is opposed, is allowed to have only an explanatory statement. It is only an observation. The other Members even if they want to give leave, are not allowed the option of making any speech. (*Hear hear.*) That is why, however controversial a Bill may be, leave is generally granted. Now I shall just read the Objects and Reasons.

"The Child Marriage Restraint Act, passed by the British Indian Legislature, has received the assent of His Excellency the Viceroy and has thus become law in British India. It is to come into operation early in 1930 (i. e., on the 1st of April 1930). The main object of this Act, as its very name indicates, is to prevent child marriages. This object is sought to be attained by fixing marriageable ages for both girls and boys and by imposing penalties as regards prohibited marriages. That child marriages not only are practised but are even insisted on among several communities in India including Cochin cannot be disputed. The unwholesome effect this practice has on the physique and on the educational prospects of its victims is also well understood. That better educational opportunities and better physique are absolutely necessary for the womanhood of the country especially are also being realised. But conservatism and worship of worn-out customs in the name of religion have for centuries been acting as a clog on national progress. The effect of this long-standing custom is such that even liberal-minded members of the communities in which such customs prevail are afraid of violating the time-honoured custom even though they are fully alive to the pernicious effect of such customs. It cannot be doubted that there is a widespread awakening in India among all classes of people in regard to evils of early marriage and of early consummation and this realisation it is that has been the cause of the Child Marriage Restraint Act in British India.

There is not any material difference in the customs regarding marriage between the people of British India and the people of Cochin. In fact marriages are freely taking place between the people in both the provinces. It is, therefore, highly necessary that laws regarding marriage should be uniform in both the places; as otherwise intermarriages would be extremely difficult if not absolutely impossible. It is mainly on account of this reason that I am prompted to introduce this Bill here. The Bill is only a copy of the Act as passed in British India."

Honourable Members, I do not want to make any more explanatory statement. I beg of you to grant leave to introduce this Bill, and I place the whole responsibility upon the shoulders of this House, upon the progressive generation of Cochin itself

for taking what action you may like so far as this Bill is concerned. Personally I have absolutely no motive in introducing this Bill and the object, as explained here, is only for the purpose of making the law in British India the law in Cochin also. It must be admitted that the communities where this custom is prevalent are freely intermarrying with British Indian people. Now if that law is not passed here, there may be so many difficulties. In fact, so far as the marriage market is concerned, the communities here will be working under a handicap. The Cochin people will find it really difficult to find suitable marriages so far as their girls and boys are concerned unless they content themselves with effecting marriages only in Cochin.

I once more implore this House to give me leave to introduce this Bill.

Mr. T. A. Ramachandra Ayyar.—I would be the last man to oppose a Bill at the time of moving for leave to introduce it. But the consequences of granting leave to introduce this Bill are more serious than the passing of the Bill itself. (*Laughter.*) So I oppose the Bill.

Sir, the Child Marriage Restraint Act, better known as the Sarda Act, has created a very big agitation and discontent from the Himalayas to Cape Comorin amongst a large section of both Hindus and Muslims.

Mr. K. Ayyappan.—Not at all.

Mr. T. A. Ramachandra Ayyar.—The result of this agitation can only be (1) the repeal of the Act in toto, or (2) the exemption of particular communities from the operation of the Act, or (3) the Act will remain a dead-letter, or (4) the aggrieved and now agitating communities will capitulate or they may court imprisonment and immerse the country in discontent and disturbance. It will be wisdom on our part to wait and see what is actually going to take place in British India before we launch a mischievous legislation in the State and disturb the now prevailing peaceful atmosphere. Cochin after all is a very small place and it will be impossible for the people of Cochin, especially those who are opposed to the Bill on religious grounds, to get on without marital relations of the people of British India. If, therefore, the aggrieved and agitating communities in British India finally capitulate, the people of Cochin holding similar views will be bound to yield without starting up agitation at all. If, on the other hand, as a result of the serious agitation, the Act is going to be repealed or kept a dead-letter or the aggrieved communities are going to be exempted, it will be wisdom on our part not to take any hasty action now so that we shall not have to effect any retreat. Cochin after all contains a very small section of the people whom the proposed Bill may

affect as it is the Brahmans and a small section of the Muslims that are likely to feel the Act as an invasion upon our rights to act according to religious convictions. This child marriage has been existing from time immemorial and heavens are not going to come down upon this age-long offenders if they are allowed to continue the old custom for a few more months or years. It will, therefore, be the height of folly, if, for no purpose, the peaceful atmosphere of Cochin is allowed to be disturbed, when the desired object of the mover of the Bill can be achieved in a very peaceful way if only by waiting for a few more months.

I may urge one more important reason which is not to be slighted. The Act comes into force in British India in the month of April 1930. Many people who have got conscientious objections to obey the Sarda Act have within the last few days celebrated the marriages of thousands of boys and girls of a very tender age, as a direct consequence of the passing of the said legislation. In all probability 75 per cent of the marriages, that were thus celebrated within the last few weeks, would have been delayed for five or six years if the Bill had not been passed. The Bill has thus been correctly responsible for many early marriages. Fancy what would Sarda think of these marriages which are the direct outcome of this Act, if his Act has to be repealed or certain communities exempted from the operation of the Act as a result of the serious agitation that is now carried on. A similar result is sure to follow in our State also if leave to introduce the Bill is now given. Number of marriages of boys and girls of very tender age are sure to be celebrated in the interval between the day of sanction of introduction of the Bill and the day on which the Bill comes into force, and suppose the Bill had to be repealed here also as a consequence of the probable repeal of the Act or exemption to certain communities in British India, the result will be you would have, for nothing, forced on the orthodox community lot of early marriages, which, left to themselves, they may delay six or seven years to celebrate. Marriage is a sacrament with a large section of the Hindus and not a civil contract. I warn this House not to introduce any legislation the obedience to which may involve disobedience to religious laws.

I, therefore, request my friend, the Sarda of Cochin, (*laughter*) to withdraw the Bill now as the time chosen is most inopportune and premature.

I once again remind the Hon'ble Members that they will be responsible for thousands of early marriages if they give leave to introduce the Bill now. I say to give leave to introduce at present is very dangerous. My only request to you is to postpone the giving of sanction to some time hence so that we can watch the

results in British India. I appeal to your good sense once again to postpone the introduction of the Bill to some other date.

President.—We have not come to the introduction stage.

Mr. T. A. Ramachandra Ayyar.—The sanction to introduce the Bill is itself dangerous. My proposition is that we should wait and see the effects of this measure in British India. Why should we be in a hurry?

President.—Here also it will take a long time. We have also to conduct enquiries here. So it would not be run through.

Mr. T. A. Ramachandra Ayyar.—The result will be that the next day it is published in the newspapers, there will be hundreds of child marriages.

President.—Now-a-days it is very difficult to celebrate marriages at the age of 12 itself under the ordinary circumstances. Then how is it that there will be a number of child marriages?

Mr. T. A. Ramachandra Ayyar.—In Gujerat we see from the newspapers that some four or five thousand child marriages were performed and the boys and girls were all of the tender age of five or six years and even less.

President.—Were there any child marriages in any of the parts of the Madras Presidency?

Mr. T. A. Ramachandra Ayyar.—Now only girls of 12 years are married, but if we give sanction to introduce this Bill, I assure the House that there will be hundreds of child marriages within the next two months, and Hon'ble Members here will be responsible for the child marriages of these hundreds of girls.

Mr. A. S. Harihara Ayyar.—On a point of information. I should like to know whether our Government have got any statistics to show the number of girls who became widows before the age of 14.

President.—We have not got any statistics.

Dr. A. R. Menon.—Only one lakh for the whole of India.

Mr. A. S. Harihara Ayyar.—I should also like to know the number of girls who passed away on account of early consumption. (*Loud bursts of laughter.*)

President.—It is not consumption, Mr. Harihara Ayyar. It is consummation. There is no statistics available with regard to this also.

Mr. A. S. Harihara Ayyar.—Is the Government aware as to which community will be most affected by this Bill?

President.—Mostly Brahmans and a section of the Mohamedans.

Dr. A. G. Menon.—Some Chetties and Komatties will also be affected by it.

CUTCHI MEMONS SUCCESSION BILL

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Mr. A. S. Harihara Ayyar.—Under section 4 of the Legislative Council Regulation, proviso to section 4, Government has power to nominate two experts. In the event leave is being given I suggest that Mr. T. R. Ramachandra Ayyar, High Court Vakil, Madras, may be nominated as an expert.

President.—That is not on a point of information.

The question before the House is that leave be given to introduce the Cochin Child Marriage Restraint Bill.

Question put and agreed to, Government remaining neutral.

Mr. T. A. Ramachandra Ayyar.—A poll, Sir.
The House divided: Ayes 26, Noes 3, Neutrals 17.

Ayes.

1. Mr. I. E. Ambooken
2. " A. L. Antony
3. " K. J. Antony
4. " K. Ayyappan
5. " C. Barton Wright
6. " P. C. Chanchan
7. " A. Eachara Menon
8. Dr. A. G. Menon
9. Mr. E. Ikkanda Warriar
10. " K. P. Kannan Nayar
11. " V. K. Kochunni Menon
12. " S. S. Koder
13. " P. Krishna Menon
14. " P. Kumaran Ezhuthussan
15. " A. K. Kunhi Moideen
16. " C. A. Kunjunn Raja
17. " C. V. Kuriyan
18. " C. J. Mathew
19. " K. T. Mathew
20. " K. Mohamed Seethi
21. " V. D. Ouseph
22. Mrs. G. Pavitran
23. Mr. M. K. Raman
24. Dr. A. R. Menon
25. Mr. Thomas Maniuran
26. Dr. E. A. Veigas

Noes.

1. Mr. V. V. Anantapadmanabha Ayyar
2. " A. S. Harihara Ayyar
3. " T. A. Ramachandra Ayyar

Neutrals.

1. Mr. T. K. Krishna Menon
2. " T. M. Krishna Menon
3. " T. K. Nayar
4. " K. Krishna Pisharodi
5. " Rao Sahib C. Mathai
6. " M. D. Narayana Ayyar
7. " P. Nilakanta Menon
8. " Ouseph P. Kundukulam
9. " T. V. Ramalinga Ayyar
10. " I. Raman Menon
11. " Rama Varma Tampuran
12. Mr. K. Ramunni Menon
13. " A. Sankara Menon
14. " Diwan Bahadur. Dr. V. Veghese.

Caste and Religious Disabilities Removal Bill (Mr. K. Ayyappan)

Mr. K. Ayyappan.—I do not move.

Hence the Bill was considered withdrawn.

Cutchi Memons Succession Bill.

President.—The next is Mr. K. Mohamed Seethi's 'Cutchi Memons Succession Bill.'

Mr. K. Mohamed Seethi.—Sir, I beg to move for leave to introduce the 'Cutchi Memons Succession Bill'.